

ASSEMBLY BILL

No. 1855

Introduced by Assembly Member Yamada

February 12, 2010

An act to amend Section 22511.55 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1855, as introduced, Yamada. Vehicles: disabled person or disabled veteran placard.

Existing law authorizes a disabled person or disabled veteran to apply to the Department of Motor Vehicles for the issuance of a distinguishing placard that may be used in lieu of the special license plate or plates issued for parking in a disabled person's parking space, when the placard is suspended from the rearview mirror or, if there is no rearview mirror, when it is displayed on the dashboard of the vehicle.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 22511.55 of the Vehicle Code is amended
- 2 to read:
- 3 22511.55. (a) (1) A disabled person or disabled veteran may
- 4 apply to the department for the issuance of a distinguishing placard.
- 5 The placard may be used in lieu of the special license plate or
- 6 plates issued under Section 5007 for parking purposes described

1 in Section 22511.5 when suspended from the rearview mirror or,
2 if there is no rearview mirror, when displayed on the dashboard
3 of a vehicle. It is the intent of the Legislature to encourage the use
4 of ~~these~~ distinguishing placards because they provide law
5 enforcement officers with a more readily recognizable symbol for
6 distinguishing vehicles qualified for the parking privilege. The
7 placard shall be the size, shape, and color determined by the
8 department and shall bear the International Symbol of Access
9 adopted pursuant to Section 3 of Public Law 100-641, commonly
10 known as the “wheelchair symbol.” The department shall
11 incorporate instructions for the lawful use of a placard, and a
12 summary of the penalties for the unlawful use of a placard, into
13 the identification card issued to the placard owner.

14 (2) (A) The department may establish procedures for the
15 issuance and renewal of the placards. The placards shall have a
16 fixed expiration date of June 30 every two years. A portion of the
17 placard shall be printed in a contrasting color that shall be changed
18 every two years. The size and color of this contrasting portion of
19 the placard shall be large and distinctive enough to be readily
20 identifiable by a law enforcement officer in a passing vehicle.

21 (B) As used in this section, “year” means the period between
22 the inclusive dates of July 1 through June 30.

23 (C) Prior to the end of each year, the department shall, for the
24 most current three years available, compare its record of disability
25 placards issued against the records of the Bureau of Vital Statistics
26 of the State Department of Health *Care* Services, or its successor,
27 and withhold any renewal notices that otherwise would have been
28 sent, for a placardholder identified as deceased.

29 (3) Except as provided in paragraph (4), a person is not eligible
30 for more than one placard at a time.

31 (4) Organizations and agencies involved in the transportation
32 of disabled persons or disabled veterans may apply for a placard
33 for each vehicle used for the purpose of transporting disabled
34 persons or disabled veterans.

35 (b) (1) Prior to issuing an original distinguishing placard to a
36 disabled person or disabled veteran, the department shall require
37 the submission of a certificate, in accordance with paragraph (2),
38 signed by the physician and surgeon, or to the extent that it does
39 not cause a reduction in the receipt of federal aid highway funds,
40 by a nurse practitioner, certified nurse midwife, or physician

1 assistant, substantiating the disability, unless the applicant's
2 disability is readily observable and uncontested. The disability of
3 a person who has lost, or has lost use of, one or more lower
4 extremities or one hand, for a disabled veteran, or both hands, for
5 a disabled person, or who has significant limitation in the use of
6 lower extremities, may also be certified by a licensed chiropractor.
7 The blindness of an applicant shall be certified by a licensed
8 physician and surgeon who specializes in diseases of the eye or a
9 licensed optometrist. The physician and surgeon, nurse practitioner,
10 certified nurse midwife, physician assistant, chiropractor, or
11 optometrist certifying the qualifying disability shall provide a full
12 description of the illness or disability on the form submitted to the
13 department.

14 (2) The physician and surgeon, nurse practitioner, certified nurse
15 midwife, physician assistant, chiropractor, or optometrist who
16 signs a certificate submitted under this subdivision shall retain
17 information sufficient to substantiate that certificate and, upon
18 request of the department, shall make that information available
19 for inspection by the Medical Board of California or the appropriate
20 regulatory board.

21 (3) The department shall maintain in its records all information
22 on an applicant's certification of permanent disability and shall
23 make that information available to eligible law enforcement or
24 parking control agencies upon a request pursuant to Section
25 22511.58.

26 (c) A person who is issued a distinguishing placard pursuant to
27 subdivision (a) may apply to the department for a substitute placard
28 without recertification of eligibility, if that placard is lost or stolen.

29 (d) The distinguishing placard shall be returned to the
30 department not later than 60 days after the death of the disabled
31 person or disabled veteran to whom the placard was issued.

32 (e) The department shall print on any distinguishing placard
33 issued on or after January 1, 2005, the maximum penalty that may
34 be imposed for a violation of Section 4461. For the purposes of
35 this subdivision, the "maximum penalty" is the amount derived
36 from adding all of the following:

37 (1) The maximum fine that may be imposed under Section 4461.

38 (2) The penalty required to be imposed under Section 70372 of
39 the Government Code.

- 1 (3) The penalty required to be levied under Section 76000 of
- 2 the Government Code.
- 3 (4) The penalty required to be levied under Section 1464 of the
- 4 Penal Code.
- 5 (5) The surcharge required to be levied under Section 1465.7
- 6 of the Penal Code.
- 7 (6) The penalty authorized to be imposed under Section 4461.3.